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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 RIVERSIDE POLICE OFFICERS
ASSOCIATION, et al.,

13 Plaintiffs,

14 v.

15 PEACE OFFICERS RESEARCH
16 ASSOCIATION OF CALIFORNIA
LEGAL DEFENSE FUND, et al.,

17 Defendants.
18
19
20

Case No. 8:15-cv-01335-CJC-JCG

**DECLARATION OF TERESA S.
RENAHER IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS COMPLAINT AND TO
STRIKE JURY DEMAND AND
CLASS ALLEGATIONS AND IN
SUPPORT OF DEFENDANTS'
REQUEST FOR JUDICIAL
NOTICE**

Date: November 30, 2015
Time: 1:30 p.m.
Courtroom: 9B, Santa Ana
Judge: Hon. Cormac J. Carney

21 I, Teresa S. Renaker, declare as follows:

22 1. I am a partner in the firm of Renaker Hasselman LLP, which is
23 counsel for Defendants in this case. I have personal knowledge of the facts set
24 forth below.

25 **Conference of Counsel Pursuant to Local Rule 7-3**

26 2. On October 26, 2015, I spoke by telephone with Richard Collins,
27 counsel for Plaintiffs in this case. The call lasted one hour and twenty-five
28 minutes. During the call, I thoroughly reviewed all the bases for Defendants'

1 motion to dismiss and to strike.

2 3. During the call, Mr. Collins confirmed that Plaintiffs' breach of
3 fiduciary duty claim is brought pursuant to ERISA § 502(a)(2), 29 U.S.C. §
4 1132(a)(2).

5 4. During the call, Mr. Collins explained that the relevant time during
6 which the alleged fiduciary acts and omissions occurred begins in 2011.

7 5. Following the call, on October 27, 2015, I sent Mr. Collins an email
8 citing authorities for the propositions that no jury trial is available in ERISA cases;
9 that only participants, beneficiaries, and fiduciaries are authorized to file suit
10 under ERISA's civil enforcement provision; and that constitutional standing to
11 proceed under § 502(a)(2) is lacking where a recovery for the Plan will not inure
12 to the plaintiff's benefit. I also attached Plan documents in effect from 2011
13 through 2014, showing that Defendants Cottingham and Durant were not listed as
14 Trustees of the Plan during that time. As of November 2, 2015, I have not received
15 a response to my email.

16 **Documents Incorporated by Reference Into the Complaint**

17 6. Attached hereto as Exhibit A is a true and correct copy of the Plan
18 Document of the Legal Defense Fund of the Peace Officers Research Association
19 of California (Including Summary Plan Description and Complaint Procedure), as
20 amended through January 14, 2011.

21 7. Attached hereto as Exhibit B is a true and correct copy of the Plan
22 Document of the Legal Defense Fund of the Peace Officers Research Association
23 of California (Including Summary Plan Description and Complaint Procedure), as
24 amended through February 10, 2012.

25 8. Attached hereto as Exhibit C is a true and correct copy of the Plan
26 Document of the Legal Defense Fund of the Peace Officers Research Association
27 of California (Including Summary Plan Description and Complaint Procedure), as
28 amended through April 19, 2013.

1 9. Attached hereto as Exhibit D is a true and correct copy of the Plan
2 Document of the Legal Defense Fund of the Peace Officers Research Association
3 of California (Including Summary Plan Description and Complaint Procedure), as
4 amended through April 28, 2014.

5 10. Attached hereto as Exhibit E is a true and correct copy of
6 Amendments One through Four to the PORAC Legal Defense Fund Plan
7 Document dated April 28, 2014.

8 11. Attached hereto as Exhibit F is a true and correct copy of a letter from
9 the Peace Officers Research Association of California Legal Defense Fund to
10 Brian Smith, Riverside Police Officers Association, dated February 20, 2015.

11 12. Attached hereto as Exhibit G is a true and correct copy of a letter
12 from the Peace Officers Research Association of California Legal Defense Fund to
13 Douglas Hath, President, Torrance Police Officers' Association, dated March 19,
14 2015.

15 **Documents Subject to Judicial Notice**

16 13. Attached hereto as Exhibit H is a true and correct copy of the
17 Complaint in *PORAC Legal Defense Fund v. Lackie, Dammeier, McGill & Ethir,*
18 *et al.*, No. 30-2013-00690039-CU-FR-CJC (Superior Court of California, County
19 of Orange), from the court's website.

20 14. Attached hereto as Exhibit I is a true and correct copy of the court's
21 docket in *PORAC Legal Defense Fund v. Lackie, Dammeier, McGill & Ethir, et*
22 *al.*, No. 30-2013-00690039-CU-FR-CJC (Superior Court of California, County of
23 Orange), from the court's website.

24 15. Attached hereto as Exhibit J is a true and correct copy of the
25 Complaint in *Board of Trustees of the Legal Defense Fund of the Peace Officers*
26 *Research Association of California v. Lackie, Dammeier, McGill & Ethir, et al.*,
27 No. 2:14-cv-00862-GEB-KJN (E.D. Cal.), from the court's electronic case filing
28 system.

16. Attached hereto as Exhibit K is a true and correct copy of the docket in *Board of Trustees of the Legal Defense Fund of the Peace Officers Research Association of California v. Lackie, Dammeier, McGill & Ethir, et al.*, No. 2:14-cv-00862-GEB-KJN (E.D. Cal.), from the court's electronic case filing system.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of November, 2015, at San Francisco, California.

/s/ Teresa S. Renaker
Teresa S. Renaker